



BILLING CODE 3510-DS-P

DEPARTMENT OF COMMERCE

International Trade Administration

(A-427-818)

Low-Enriched Uranium from France; Preliminary Results of Antidumping Duty Administrative Review; 2013-2014

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The Department of Commerce (the Department) is conducting an administrative review of the antidumping duty order on low-enriched uranium (LEU) from France.¹ The period of review (POR) is February 1, 2013, through January 31, 2014. The review covers one producer/exporter of the subject merchandise, Eurodif S.A., AREVA NC, and AREVA NC, Inc. (collectively AREVA). The Department preliminarily determines that AREVA sold subject merchandise at less than normal value in the United States during the POR. We invite interested parties to comment on these preliminary results.

DATES: Effective Date: **[INSERT THE DATE OF THE PUBLICATION OF THE FEDERAL REGISTER]**.

FOR FURTHER INFORMATION CONTACT: Andrew Huston, AD/CVD Operations, Office VII, Enforcement and Compliance, International Trade Administration, U.S. Department of

¹ See Initiation of Antidumping and Countervailing Duty Administrative Reviews and Request for Revocation in Part, 79 FR 18262 (April 1, 2014).

Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230; telephone: (202) 482-4261.

SUPPLEMENTARY INFORMATION:

Scope of the Order

The product covered by the order is all low-enriched uranium from France. Low-enriched uranium is enriched uranium hexafluoride (UF₆) with a U²³⁵ product assay of less than 20 percent that has not been converted into another chemical form, such as UO₂, or fabricated into nuclear fuel assemblies, regardless of the means by which the LEU is produced (including low-enriched uranium produced through the down-blending of highly enriched uranium).²

Methodology

The Department is conducting this review in accordance with section 751(a) of the Tariff Act of 1930, as amended (the Act). For a full description of the methodology underlying our conclusions, see the Preliminary Decision Memorandum. The Preliminary Decision Memorandum is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at <http://access.trade.gov>, and it is available to all parties in the Central Records Unit in room 7046 of the main Commerce building. In addition, a complete version of the Preliminary Decision Memorandum can be accessed directly at <http://enforcement.trade.gov/frn/>. The signed Preliminary Decision Memorandum and electronic versions of the Preliminary Decision Memorandum are identical in content.

² For a full description of the scope of the order, see "Decision Memorandum for the Preliminary Results of Antidumping Duty Administrative Review: Low-Enriched Uranium from France: 2013-2014" from Christian Marsh, Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations to Paul Piquado, Assistant Secretary for Enforcement and Compliance (Preliminary Decision Memorandum), dated concurrently with these results and hereby adopted by this notice.

Preliminary Determination

AREVA timely filed a “no shipment” certification stating that they had no entries of subject merchandise during the POR. Global Nuclear Fuels-America (GNF-A)³, an interested party, submitted a separate response to the Department’s initial questionnaire. Data that the Department obtained from CBP showed entries of LEU from AREVA during the POR. The Department issued two supplemental questionnaires to AREVA, and one supplemental questionnaire to GNF-A, and received a timely responses. The Department also requested and received entry documents from CBP.

Based on the questionnaire responses filed by AREVA and GNF-A, and information received from CBP, we preliminarily determine that, while the majority of the entries of LEU from France, identified in the import data from CBP, were either excluded from the order under the re-export provision of the scope or not subject to the order, AREVA did have shipments of merchandise subject to the antidumping order on LEU from France during the POR. The shipments in question were identified by AREVA as “sample sales,” however the Department finds these to be bona fide sales, and therefore subject to antidumping order on LEU from France.⁴

Facts Available

For the preliminary results, we have relied, in part, on facts available. AREVA did not provide full responses to the Departments initial questionnaire and did not provide sales and cost data requested in a supplemental.⁵ Because we lack necessary AREVA sales and cost data, we determine that it is appropriate to apply "facts available" pursuant to section 776(a)(2)(B) of the

³ GNF-A is an importer of subject merchandise and fabricator of nuclear fuel for use in power plants outside the United States. For information regarding GNF-A see Preliminary Decision Memorandum at 2 and 3.

⁴ See Preliminary Decision Memorandum at 3.

⁵ See id.

Act. We further determine that an adverse inference is warranted in accordance with section 776(b) of the Act because, pursuant to section 782(e) of the Act, AREVA did not act to the best of its ability to comply with our requests for information and we do not have sufficient sales and cost information on the record to calculate a weighted-average dumping margin for AREVA. Because AREVA did not act to the best of its ability to respond to the Department's request for information, we have drawn an adverse inference in selecting from among the facts available, pursuant to 776(a) and (b) of the Act. For a full description of the methodology underlying our conclusions, see Preliminary Decision Memorandum.

Preliminary Results of Review

As a result of this review, we preliminarily determine that the following weighted-average dumping margins on LEU from France exist for the period February 1, 2013, through January 31, 2014 at the following rates:

Producer or Exporter	Weighted-Average Dumping Margin
AREVA	30.22%

Assessment Rates

Upon issuance of the final results, the Department shall determine and U.S. Customs and Border Protection (CBP) shall assess antidumping duties on all appropriate entries covered by this review. If we continue to rely on adverse facts available to establish AREVA's weighted-average dumping margin, then we will instruct CBP to assess antidumping duties for entries of subject merchandise during the POR which were produced and/or exported by AREVA at a rate equal to the weighted-average dumping margin found in the final results.

The Department clarified its “automatic assessment” regulation on May 6, 2003. This clarification will apply to entries of subject merchandise during the POR produced by companies included in the final results of review for which these companies did not know that the merchandise was destined for the United States. In such instances, we will instruct CBP to liquidate un-reviewed entries at the all-others rate if there is no rate for the intermediate company(ies) involved in the transaction.⁶

We intend to issue instructions to CBP 15 days after publication of the final results of this review.

Cash Deposit Requirements

The following deposit requirements will be effective for all shipments of LEU from France entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results of this administrative review, as provided for by section 751(a)(2)(C) of the Act: (1) the cash deposit rate for AREVA will be equal to the weighted-average dumping margin established in the final results of this administrative review, except for entries which AREVA claims to be excluded from the order under the re-export provision of the scope, which will require a cash deposit rate of zero percent; (2) for previously reviewed or investigated companies not listed above, the cash deposit rate will continue to be the company-specific rate published for the most recent period; (3) if the exporter is not a firm covered in this review, a prior review, or the less-than-fair-value investigation, but the manufacturer is, the cash deposit rate will be the rate established for the most recent period for the manufacturer of the merchandise; and (4) the cash deposit rate for all other manufacturers or exporters will continue

⁶ See Antidumping and Countervailing Duty Proceedings: Assessment of Antidumping Duties, 68 FR 23954 (May 6, 2003).

to be 19.95 percent, the all-others rate established in the investigation.⁷ These cash deposit requirements, when imposed, shall remain in effect until further notice.

Comments

Interested parties are invited to comment on these preliminary results and submit written arguments or case briefs within 30 days after the date of publication of this notice, unless otherwise notified by the Department.⁸ Parties are reminded that written comments or case briefs are not the place for submitting new factual material. Rebuttal briefs, limited to issues raised in the case briefs, will be due five days later.⁹ Parties that submit case or rebuttal briefs are requested to submit with each argument: (1) A statement of the issue; and (2) a brief summary of the argument. Parties are requested to provide a summary of the arguments not to exceed five pages and a table of statutes, regulations, and cases cited.

Any interested party who wishes to request a hearing, or to participate if one is requested, must submit a written request to the Assistant Secretary for Enforcement and Compliance within 30 days after the day of publication of this notice. A request should contain: (1) The party's name, address, and telephone number; (2) the number of participants; and (3) a list of issues to be discussed.¹⁰ Issues raised in the hearing will be limited to those raised in case briefs. The Department will issue the final results of administrative review, including the results of our analysis of issues raised in any briefs, within 90 days after the date on which the preliminary results were issued, unless the deadline for the final results is extended.¹¹

⁷ See Notice of Amended Final Determination of Sales at Less Than Fair Value and Antidumping Duty Order: Low Enriched Uranium From France, 67 FR 6680 (February 13, 2002).

⁸ See 19 CFR 351.309(c)(ii).

⁹ See 19 CFR 351.309(d).

¹⁰ See 19 CFR 351.310(c).

¹¹ See 19 CFR 351.213(h).

Submissions should be filed electronically via the Department's electronic records ACCESS. An electronically filed document must be received successfully in its entirety by ACCESS by 5:00 p.m. Eastern Time on the deadline date for submission.

Notification to Importers

This notice serves as a preliminary reminder to the importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

Notification to Interested Parties

These preliminary results of administrative review are issued and published in accordance with sections 751(a)(1) and 777(i)(1) of the Act.

Dated: March 2, 2015.

Paul Piquado,
Assistant Secretary
for Enforcement and Compliance.

APPENDIX

List of Topics Discussed in Preliminary Decision Memorandum

1. Scope of the Order
2. Preliminary Determination
3. Facts Otherwise Available
4. Adverse Facts Available
5. [FR Doc. 2015-05470 Filed: 3/6/2015 08:45 am; Publication Date: 3/9/2015]